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October 23, 2020

Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *F.A. and S.H. obo N. A.-H. v. Dep't of Educ.*
20-CV-5848 (JGK) (DCF)

Dear Judge Koeltl:

I am a deputy chief in the General Litigation Division of the Office of James Johnson, Corporation Counsel of the City of New York, attorney for the Defendant New York City Department of Education in the above-referenced action. As a deputy chief, I am responsible for assigning the work of the Division to Division attorneys. While I forwarded the papers received by my Office to a supervisor to assign, the digital file was somehow misdirected so that the case never actually was assigned, and failed to be included in our tracking system for IDEA fee cases. As a result, the date for responding to the Complaint – August 20, 2020 – has long since passed.

I am writing to respectfully request that DOE be given 60 days to respond to the Complaint; and that the initial pretrial conference, scheduled for this November 17, 2020, per minute entry dated October 5, 2020, be adjourned to a date after the requested adjourned date for response to the Complaint. This is the first request for an adjournment, and Plaintiffs' counsel, Adam Dayan, has graciously consented to the request. During this time, we plan to engage in negotiations with Plaintiffs' counsel to see if this matter can be resolved without the need of further motion practice.

USDC SDNY
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ELECTRONICALLY FILED
DOC#
DATE FILED: 10/26/2020

I very much apologize to the Court and to Mr. Dayan for the considerable delay that resulted from this matter being misdirected. I can assure Your Honor that the case is being assigned today and that there will not be any further delays attributable to office neglect in this matter.

Very truly yours,

/s/
Jonathan Pines
Deputy Chief, General Litigation Division

Copy to Counsel by ECF